

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NICOMEDES TUBAR, III,

Plaintiff,

v.

JASON CLIFT; and THE CITY OF KENT,  
WASHINGTON, a municipal corporation,

Defendants.

CASE NO. C05-1154C

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on Defendants' Motion for Partial Summary Judgment (Dkt. No. 30) and Plaintiff's Motion to Continue Summary Judgment (Dkt. No. 46). The Court finds that the additional discovery sought by Plaintiff, as well as the parties' arguments incorporating such information, would aid in determining the now-pending partial summary judgment motion. Accordingly, Defendants are reminded of their obligations to fully supplement existing discovery requests (*e.g.*, provide complete renderings of the shooting scene if not already provided; provide documents and other information as it becomes available) pursuant to the Federal Rules of Civil Procedure *and* to supply all information required by this Court's March 2, 2006 Order (Dkt. No. 28) regarding specific discovery.

1 Further, the deposition of Officer Clift currently scheduled for June 15, 2006 may provide relevant details  
2 helpful to resolving the qualified immunity issue. Therefore, in order to allow the parties to incorporate  
3 Officer Clift's deposition into supplemental arguments on Defendants' partial summary judgment motion,  
4 as well as to incorporate further discovery production that was outstanding when the motion originally  
5 was briefed, this Court hereby RENOTES Defendants' Motion for Summary Judgment for consideration  
6 on June 30, 2006. Plaintiff may submit a supplemental pleading, not to exceed six (6) pages,  
7 incorporating additional discovery and depositions, no later than Thursday, June 22, 2006. Defendants  
8 may thereafter submit a supplemental pleading, not to exceed six (6) pages, incorporating additional  
9 discovery and depositions, no later than Thursday, June 29, 2006. In addition to their supplemental  
10 pleadings, the parties may provide supporting declarations and exhibits in accordance with regular  
11 summary judgment briefing practice. The Court will consider these materials, together with the motion  
12 papers already on the Court's docket, in resolving the pending partial summary judgment motion.

13 DATED this 1<sup>st</sup> day of June, 2006.

14 BRUCE RIFKIN, Clerk of Court

15  
16 By /s/ C. Ledesma  
Deputy Clerk